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Message Text

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TO SECSTATE WASHDC 4527
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SUBJ: HUMAN RIGHTS IN SENEGAL: 1976 REPORTING REQUIREMENT

REF: A) STATE 045319, B) STATE 179319, C) STATE 083936,
D) 75-DAKAR 2183

1. SUMMARY: CONSTITUTIONAL GUARANTEES OF BASIC HUMAN RIGHTS REMAIN IN FORCE IN SENEGAL, AND NATION'S RELATIVELY GOOD HUMAN RIGHTS RECORD HAS BEEN BOLSTERED BY RECENT EFFORTS TO INCREASE "DEMOCRATIZATION." WHILE TWO GROUPS OF INDIVIDUALS WERE CONVICTED IN 1975 FOR POLITICAL OFFENSES, THEY RECEIVED RELATIVELY LIGHT SENTENCES. AMNESTY PROMULGATED APRIL 4 FREES FEW REMAINING "POLITICAL PRISONERS" AND RESTORES FULL CITIZENSHIP RIGHTS TO POLITICAL OFFENDERS RELEASE EARLIER. GOS HAS TAKEN TOLERANT VIEW OF ESTABLISHED OPPOSITION PARTY, WHICH HELD SUCCESSFUL CONVENTION AND HAS GROWING MEDIA ACCESS. NEW LAW WILL LIMIT SENEGALESE POLITICAL PARTIES TO THREE, AND PRESCRIBE DOCTRINAL APPROACH EACH IS EXPECTED TO TAKE. SENEGAL HAS GENERALLY SUPPORTED VOLUNTARY REPATRIATION OF LARGE REFUGEE COMMUNITY. IT JOINED WITH INTERNATIONAL HUMAN RIGHTS GROUPS TO SPONSOR CONFERENCE ON NAMIBIA AND HUMAN RIGHTS. ALTHOUGH FREEDOM HOUSE GIVES SENEGAL MIXED RATING ON HUMAN RIGHTS, WE BELIEVE RECENT DEVELOPMENTS FULLY BEAR OUT FREEDOM HOUSE CONCLUSION THAT "PROMISE OF MORE
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OPEN POLITICAL SYSTEM" EXISTS IN SENEGAL; PRESENT TREND SHOULD

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SUPPORT HIGHER RANKING ON SUCH SURVEYS IN FUTURE. END SUMMARY

2. REF D OUTLINED GUARANTEES OF BASIC HUMAN RIGHTS CONTAINED IN SENEGALESE CONSTITUTION AND DESCRIBED GOS PRACTICES WITH RESPECT TO POLITICAL ASSOCIATION AND FREEDOM OF SPEECH, CONCLUDING THAT SENEGAL HAD ESSENTIALLY GOOD HUMAN RIGHTS RECORD. CONSTITUTIONAL GUARANTEES REMAIN FULLY IN FORCE (AND, WE BELIEVE, GENERALLY WELL RESPECTED), AND PRESIDENT SENGHOR IS PROMOTING "GREATER DEMOCRATIZATION OF POLITICAL LIFE." EMBASSY KNOWS OF NO RPT NO ALLEGATIONS THAT GOS ENGAGES IN OR TOLERATES TORTURE, CRUEL, INHUMAN OR DEGRADING PUNISHMENT OR PROLONGED DETENTION WITHOUT CHARGES, WHICH REF A INDICATES ARE PRIMARY OBJECTS OF CONGRESSIONAL INTEREST. SUCH PRACTICES WOULD BE INCONSISTENT WITH AVOWED SENEGALESE COMMITMENT TO BUILD PLURALIST DEMOCRATIC SOCIETY WHICH COULD STAND AS EXAMPLE TO REST OF AFRICA.

3. POLITICAL PRISONERS: EMBASSY KNOWS OF NO CASES IN RECENT YEARS WHERE INDIVIDUALS HAVE BEEN JAILED WITHOUT TRIAL. HOWEVER, ARRESTS WERE MADE ON TWO OCCASIONS IN 1975 OF SENEGALESE ACCUSED OF DISSEMINATING POLITICAL TRACTS THREATENING PUBLIC SECURITY AND OF VIOLATING LAW REQUIRING POLITICAL PARTIES TO BE REGISTERED. (APPLICABLE PENAL CODE PROVISIONS WERE DISCUSSED BY 75-DAKAR 2012). NINETEEN PERSONS WERE ARRESTED IN MARCH 1975, OF WHOM TWELVE WERE SENTENCED TO PRISON TERMS OF FROM 15 DAYS TO TWO YEARS, WITH ALL BUT THREE SENTENCES UNDER ONE YEAR. SECOND GROUP OF 12 PERSONS WAS ARRESTED IN JUNE (DAKAR 3932) AND SENTENCED IN OCTOBER TO PRISON TERMS OF 8-18 MONTHS, WITH THREE RELEASED; ACCUSED HAD BATTERY OF LOCAL AND FRENCH LAWYERS TO REPRESENT THEM, AND OBSERVER FROM AMNESTY INTERNATIONAL JOINED DEFENSE (DAKAR 6709).

4. AMNESTY: IN ANNOUNCED EFFORT TO PERMIT "EACH SENEGALESE CITIZEN TO TAKE HIS PLACE AGAIN IN NATIONAL COMMUNITY," AMNESTY SIGNED BY SENGHOR CAME INTO EFFECT APRIL 4, 1976. UNDER MEASURE, THE FEWER THAN TEN "POLITICAL PRISONERS" WHO REMAINED INCARCERATED WERE TO BE IMMEDIATELY RELEASED. MEASURE ALSO PROVIDES FOR PARDON OF THOSE CONVICTED OF PAST POLITICAL OFFENSES, RESTORING FULL CITIZENSHIP RIGHTS. ACTION HAS EFFECT OF ERASING FROM OFFICIAL RECORDS ALL MENTION OF "FALL FROM GRACE," CONVICTION AND SENTENCING OF THOSE INVOLVED, SUBJECT ONLY TO THEIR OBLIGATION TO "ACQUIESCE"
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IN CONVINCTION AND RENOUNCE RIGHT OF APPEAL. THIS PROVISION COMPLETES RESTORATION OF RIGHTS TO SEVENTEEN PERSONS CONVICTED OF POLITICAL OFFENSES (INCLUDING FORMER PRIME MINISTER MAMADOU DIA) WHO WERE RELEASED IN 1974, AND COULD SET STAGE FOR RE-ENTRY INTO GOVERNMENT BY SOME OF THEM. (UNDER MMEASURE, BENEFICIARIES OF AMNESTY CAN BE REINTEGRATED INTO CIVIL SERVICE POSITIONS HELD AT TIME OF ARREST, BUT REABSORPTION IS NOT RPT NOT MANDATORY OR AUTOMATIC). IN NATIONAL ASSEMBLY DELIBERATIONS AND OTHER PUBLIC

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COMMENT, AMNESTY MEASURE HAS BEEN HAILED AS MATURE AND HUMANE ACT WHICH WILL PROMOTE NATIONAL RECONCILIATION AND REHABILITATION.

5. AMNESTY DOES NOT APPLY TO THOSE CONVICTED IN ABSENTIA (ONE FIVE-YEAR SENTENCE IN ABSENTIA WAS HANDED DOWN AFTER 1974 ARRESTS). MODEL FOR RECONCILIATION OF THESE INDIVIDUALS WAS SET BY PUBLICATION IN JANUARY 24, 1976 OFFICIAL JOURNAL OF PARDON ACCORDED TO MAJHMOUT DIOP, FOUNDER OF PROTO-COMMUNIST PARTI AFRICAIN DE L'INDEPENDENCE, BANNED IN 1960. SENGHOR TOLD AMBASSADOR THAT DIOP HAD EARNED PARDON BY WRITING TO HIM FROM EXILE IN MALI TO ACKNOWLEDGE ERROR OF HIS WAYS (DAKAR 7110).

6. POLITICAL ASSOCIATION AND FREEDOM OF SPEECH: GOS HAS TAKEN GENERALLY TOLERANT VIEW OF CONTINUING ORGANIZATIONAL EFFORTS BY 20-MONTH-OLD OPPOSITION PARTI DEMOCRATIQUE SENEGALAISE (PDS). PDS STAGED CONGRESS IN MID-1975 (DAKAR A-100) AND HELD NATIONAL CONVENTION IN JANUARY 1976 ATTENDED BY 12,000 PERSONS. WHILE PDS LEADERSHIP HAS NOT ENGAGED IN DIRECT ATTACKS ON SENGHOR, IT HAS FREELY CRITICIZED GOS POLICIES IN PRESS CONFERENCES AND PARTY NEWSPAPER. GOS-CONTROLLED RADIO AND TV LIBERALLY BORADCAST PUBLIC SERVICE ANNOUNCEMENTS OF OPPOSITION MEETINGS AND HAVE CARRIED SOME BALANCED REPORTING ON PDS POSITIONS. FOR PDS, AS WELL AS OTHER GOVERNMENT CRITICS, FREEDOM OF SPEECH IS PRIMARILY CIRCUMSCRIBED BY SELF-IMPOSED LIMITATIONS, RATHER THAN BY ANY RIGOROUS GOVERNMENT CENSORSHIP.

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7. MULTI-PARTY SYSTEM: NATIONAL ASSEMBLY IN MARCH 1976 APPROVED CONSTITUTIONAL AMENDMENT FIXING MAXIMUM NUMBER OF POLITICAL PARTIES IN SENEGAL AT THREE. UNDER AMENDMENT, PARTIES WILL BE OBLIGED TO FOLLOW ONE OF THREE MAJOR "CURRENTS OF THOUGHT" CONSIDERED TO EXIST IN SENEGAL: SOCIALIST AND DEMOCRATIC (OPTION PRE-EMPTED BY GOVERNING UNION PROGRESSISTE SENEGALAISE), LIBERAL AND DEMOCRATIC (ORIENTATION TO WHICH GOS IS ENCOURAGING PDS TO ADHERE), AND NATIONALIST MARXIST-LENINIST (GOS HAS BEEN SOLICITING APPLICATION TO FORM SUCH A PARTY). SOME DIFFICULTIES ARE ARISING IN APPLYING THIS RIGID FORMULA; PDS SECRETARY-GENERAL ABDOULAYE WADE HAS COMPLAINED THAT DISTINCTION BETWEEN HIS PARTY AND UPS DOES NOT REST ON POLITICAL
GROUNDS, ON WHICH THEY HAVE SIMILAR APPROACH.
LIKEWISE, GOS HAS DELAYED ACTION ON APPLICATION TO FORM NEW RASSEMBLEMENT NATIONAL DEMOCRATIQUE PARTY SUBMITTED FEB. 3 BY UNIVERSITY PROFESSOR CHEIKH ANTA DIOP. OFFICIAL POSITION IS THAT "EXCESSIVE PLURALISM" WOULD PRODUCE ANARCHIC SITUATION, BUT THAT CONSTRUCTIVE NATIONAL DIALOGUE BETWEEN ALTERNATIVE DOCTRINES COULD BE EFFECTIVELY CARRIED OUT AMONG THREE MAJOR PARTIES.

8. OTHER HUMAN RIGHTS POLICIES: SENEGAL IS MEMBER OF 1967 PROTOCOL AND 1951 CONVENTION RELATING TO STATUS OF REFUGEES AND HAS, WITH OCCASIONAL EXCEPTIONS, COOPERATED CLOSELY WITH UNHCR IN VOLUNTARY REPATRIATION FROM SENEGAL OF REFUGEES FROM

GUINEA-BISSAK
(DAKAR 1669 AND A-45). SENEGAL HAS ALSO OFFERED SANCTUARY TO NATIONALS FROM OTHER AFRICAN COUNTRIES INCLUDING THOSE OF GUINEA (CONAKRY) SEEKING REFUGE FROM SEKOU TOURE REGIME. ANOTHER ASPECT OF SENEGALESE COMMITMENT TO HUMAN RIGHTS WAS SEMONSTRATED IN JANUARY CONFERENCE ON NAMIBIA AND HUMAN RIGHTS HELD IN DAKAR WITH SPONSORSHIP OF INTERNATIONAL INSTITUTE FOR HUMAN RIGHTS AND INTERNATIONAL COMMISSION OF JURISTS (DAKAR A-8).

9. CONCLUSION: IN VIEW OF CONSTITUTIONAL GUARANTEES, GENEROUS TREATMENT OF POLITICALHFFENDERS, LIVELY LEVEL OF PRESS CRITICISM, AND CURRENT OFFICIAL EFFORTS TO NURTURE PLURALIST, MULTI-PARTY SYSTEM, EMBASSY CONCLUDES THAT SENEGAL'S OBSERVANCE OF HUMAN RIGHTS RANKS HIGH ON AFRICAN CONTINENT. ONLY INDEPENDENT JUDGMENT WE HAVE SEEN ON HUMAN RIGHTS IN SENEGAL IS FREEDOM HOUSE "COMPARATIVE SURVEY OF FREEDOM" WHICH RANKS SENEGAL AT LEVEL 6 ON SCALE OF 1 (GOOD) TO 7 (BAD) WITH REGARD TO POLITICAL RIGHTS AND AT LEVEL 4 ON SAME SCALE WITH RESPECT TO CIVIL RIGHTS, PRODUCING OVERALL RATING AS "PARTLY FREE". EMBASSY BELIEVES STANDARDS OF SURVEY MAY HAVE BEEN UNDULY INFLUENCED BY AUTHORS' PREFERENCES FOR MORE FAMILIAR WESTERN POLITICAL

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PROCESSES; EVEN SO, REPORT ACKNOWLEDGED THAT "PROMISE OF MORE OPEN POLITICAL SYSTEM" EXISTED IN SENEGAL. WE BELIEVE RECENT DEVELOPMENTS DO MUCH TO BEAR OUT THIS PROGNOSIS AND, IF PRESENT TRENDS CONTINUE, MORE FAVORABLE FINDINGS SHOULD BE JUSTIFIED IN FUTURE SUCH SURVEYS.
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